

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Abbey Land LLC, 310 Golden Shore, Ste 300, Long Beach, CA 90802.
2. *Type of action:* Application for Beneficial Water Use Permit 76LJ-30049045
3. *Water source name:* Flathead Lake
4. *Location affected by project:* NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 25N, Range 20W, Lake County. Also known as Shelter Island.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

The Applicant proposes to divert water from Flathead Lake, by means of a pump from January 1 through December 31 inclusive each year up to 5.19 AF, from a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 25N, Range 20W, for multiple domestic use from January 1 through December 31 and 0.53 acres of domestic lawn and garden irrigation from April 15 through October 15. Applicant's Provisional Permit 76LJ 30005506 for geothermal use established a flow rate of 354 GPM. Since water for these new beneficial uses will come from the existing system, no additional flow rate is needed. The place of use is NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 25N, Range 20W, known as Shelter Island and is approximately $\frac{1}{2}$ mile north of the Flathead Reservation's northerly border in Lake County, MT.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Natural Resources and Conservation Service soil maps
Montana Department of Environmental Quality
United States Fish and Wildlife Wetland Mapper

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: The source is not identified as chronically or periodically dewatered by DFWP.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: Flathead Lake is listed by the DEQ as having aquatic life as an impaired use with further data needing to be collected. This impairment seems to be caused by a mixture of sources including upstream impoundments, atmospheric deposition, unspecified urban stormwater and municipal point source discharges. These probable sources bring mercury, nitrogen, phosphorus, polychlorinated biphenyls and sedimentation/siltation to the source. It would seem that this appropriation of domestic and lawn/garden use up to 5.19 AF of water from Flathead Lake would not likely increase impairment of the source.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: N/A

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: The diversion works will consist of an already permitted lake intake system of an electric pump and a 6-inch delivery line capable of diverting 354 GPM. The pump is a Goulds 8RGLC 15 hp pump. The intake is placed approximately 150 feet from shore on the east side of the island at a depth of 25 feet with a dynamic head of approximately 80 feet. Water will be conveyed on demand by a water level sensor in a 12,000 gallon storage tank located in the boat house mechanical room. The geothermal permitted delivery line will be retrofitted with a 2-inch tap for the domestic system. Domestic/lawn and garden irrigation water will be treated prior to going to the storage tank and then distributed as needed to the three homes and various outlets for property maintenance including landscape watering. An inline water meter on the supply line will allow tracking of water usage. System design specifications by JUB Engineers Inc. were submitted along with a pump curve showing the system is capable of delivering the requested diversion.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater,

assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

Determination: The Montana Natural Heritage Program was contacted to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern”, that could be impacted by the proposed project. They identified the following animal and plant species that are threatened, or have special status, that are located regionally: Gray Wolf, Canada Lynx, Wolverine, Fisher, Bald Eagle, Northern Alligator Lizard, Westslope Cutthroat Trout, Pygmy Whitefish, Lake Trout and the Columbia Locoweed. These species are found throughout this region and not necessarily at this particular spot. No immediate impact.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: This property is not located within a designated wetland boundary.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No pond. No impact.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: Proposed area is composed mainly of Kingspoint very gravelly loam, 15 to 30 percent slopes, lake effect. This soil is well drained with a moderately high to high water transmissivity. No impact to soil quality or alteration of soil stability is expected.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: Grounds will be maintained with lawn and garden/natural landscaping. This is private land and it is ultimately the owner’s responsibility to keep noxious weeds under control.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No impacts are anticipated.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands.*

Determination: N/A – project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No other impacts were identified during this EA.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No inconsistency noted.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No impact expected.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact expected.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes ___ *No* **XX** *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? None identified.
- (b) Local and state tax base and tax revenues? None
- (c) Existing land uses? None
- (d) Quantity and distribution of employment? None
- (e) Distribution and density of population and housing? None
- (f) Demands for government services? None

(g) Industrial and commercial activity? None identified.

(h) Utilities? None

(i) Transportation? Not significant.

(j) Safety? None

(k) Other appropriate social and economic circumstances?

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts None identified.

Cumulative Impacts None identified.

3. Describe any mitigation/stipulation measures: None identified.

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: No reasonable alternatives identified.

PART III. Conclusion

1. Preferred Alternative

Project should be completed as explained in application.

2. Comments and Responses

3. Finding:

Yes___ NoXX Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

Name of person(s) responsible for preparation of EA:

Name: Kathy Olsen

Title: Water Resource Specialist

Date: March 4, 2011